

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Appropriations, to which was referred House Bill No. 1113, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, line 2, strike "judicial" and insert "**public defense**".
- 2 Page 2, line 3, strike "insurance adjustment" and insert
- 3 "**administration**".
- 4 Page 2, line 4, delete "IC 33-37-5-27." and insert "**IC 33-37-5-26.**".
- 5 Page 2, between lines 11 and 12, begin a new paragraph and insert:
- 6 "SECTION 2. IC 33-34-8-3 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Payment for all
- 8 costs made as a result of proceedings in a small claims court shall be to
- 9 the _____ County Small Claims Court _____ Division (with the
- 10 name of the county and township inserted). The court shall issue a
- 11 receipt for all money received on a form numbered serially in duplicate.
- 12 All township docket fees and late fees received by the court shall be
- 13 paid to the township trustee at the close of each month.
- 14 (b) The court shall:
- 15 (1) semiannually distribute to the auditor of state:
- 16 (A) all automated record keeping fees (**IC 33-37-5-21**)
- 17 received by the court for deposit in the state user fee fund
- 18 established under IC 33-37-9;
- 19 **(B) all public defense administration fees collected by the**
- 20 **court under IC 33-37-5-21.2 for deposit in the state general**
- 21 **fund;**
- 22 **(C) all judicial administration fees collected by the court**

1 **under IC 33-37-5-25 for deposit in the state general fund;**
 2 **and**
 3 **(D) seventy-five percent (75%) of all judicial salaries fees**
 4 **collected by the court under IC 33-37-5-26 for deposit in**
 5 **the state general fund; and**

6 (2) distribute monthly to the county auditor all document storage
 7 fees received by the court.

8 The county auditor shall deposit fees distributed under ~~this~~ subdivision
 9 **(2)** into the clerk's record perpetuation fund under IC 33-37-5-2."

10 Page 2, line 41, strike "judicial" and insert "**public defense**".

11 Page 2, line 42, strike "insurance adjustment" and insert
 12 "**administration**".

13 Page 3, line 2, delete "(IC 33-37-5-27)." and insert
 14 "**(IC 33-37-5-26)**".

15 Page 4, line 23, strike "judicial" and insert "**public defense**".

16 Page 4, line 24, strike "insurance adjustment" and insert
 17 "**administration**".

18 Page 4, line 26, delete "(IC 33-37-5-27)." and insert
 19 "**(IC 33-37-5-26)**".

20 Page 5, line 41, strike "judicial" and insert "**public defense**".

21 Page 5, line 42, strike "insurance adjustment" and insert
 22 "**administration**".

23 Page 6, line 2, delete "(IC 33-37-5-27)." and insert
 24 "**(IC 33-37-5-26)**".

25 Page 6, line 35, strike "judicial" and insert "**public defense**".

26 Page 6, line 36, strike "insurance adjustment" and insert
 27 "**administration**".

28 Page 6, delete line 37.

29 Page 6, line 38, delete "(8)" and insert "**(7)**".

30 Page 6, line 38, delete "(IC 33-37-5-27)." and insert
 31 "**(IC 33-37-5-26)**".

32 Page 7, delete lines 1 through 23, begin a new line block left and
 33 insert:

34 "the clerk shall collect from the party filing the action both of the
 35 following fees:

36 (1) A small claims costs fee of thirty-five dollars (\$35).

37 (2) A small claims service fee of five dollars (\$5) for each
 38 defendant named or added in the small claims action.

39 However, a clerk may not collect a small claims costs fee or small
 40 claims service fee for a small claims action filed by or on behalf of the
 41 attorney general.

42 (b) In addition to a small claims costs fee and small claims service

fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A document storage fee (IC 33-37-5-20).

(3) An automated record keeping fee (IC 33-37-5-21).

~~(4) A judicial public defense administration fee under (IC 33-37-5-21.2).~~

~~(4) (5) A judicial insurance adjustment administration fee under (IC 33-37-5-25).~~

(6) A judicial salaries fee (IC 33-37-5-26).

~~(c) This section applies after June 30, 2005."~~

Page 7, line 41, strike "judicial" and insert "**public defense**".

Page 7, line 42, strike "insurance adjustment" and insert "**administration**".

Page 8, line 1, delete "(IC 33-37-5-27)." and insert "**(IC 33-37-5-26).**".

Page 8, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 8. IC 33-37-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2005]: Sec. 17. (a) This section applies to actions in which the court defers prosecution under IC 33-39-1-8.

(b) In each action in which prosecution is deferred, the clerk shall collect from the defendant a deferred prosecution fee of ~~fifty one~~ **hundred twenty** dollars ~~(\$50)~~ **(\$120)** for court costs."

Page 8, delete lines 16 through 42, begin a new line block left and insert:

"In each action filed in a court described in IC 33-37-1-1 **and in each small claims action in a court described in IC 33-34**, the clerk shall collect a ~~judicial~~ **public defense** administration fee of ~~in the period beginning July 1, 2004, and ending June 30, 2005, one dollar (\$1) and after June 30, 2005, two three~~ dollars ~~(\$2).~~ **(\$3).**

(b) In each action in which a person is:

(1) convicted of an offense;

(2) required to pay a pretrial diversion fee;

(3) found to have violated an infraction; or

(4) found to have violated an ordinance;

the clerk shall collect a ~~judicial~~ **public defense** administration fee of ~~in the period beginning July 1, 2004, and ending June 30, 2005, one dollar (\$1) and after June 30, 2005, two three~~ dollars ~~(\$2).~~ **(\$3).**

SECTION 9. IC 33-37-5-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. (a) This subsection

1 does not apply to the following:

- 2 (1) A criminal proceeding.
- 3 (2) A proceeding for an infraction violation.
- 4 (3) A proceeding for an ordinance violation.

5 In each action filed in a court described in ~~IC 33-19-1-1~~, **IC 33-37-1-1**
 6 **and in each small claims action in a court described in IC 33-34**, the
 7 clerk shall collect a judicial ~~insurance adjustment~~ **administration** fee
 8 of ~~one dollar (\$1)~~: **two dollars (\$2)**.

9 (b) In each action in which a person is:

- 10 (1) convicted of an offense;
- 11 (2) required to pay a pretrial diversion fee;
- 12 (3) found to have violated an infraction; or
- 13 (4) found to have violated an ordinance;

14 the clerk shall collect a judicial ~~insurance adjustment~~ **administration**
 15 fee of ~~one dollar (\$1)~~: **two dollars (\$2)**.

16 SECTION 10. IC 33-37-5-26 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2005]: **Sec. 26. (a) This subsection does not**
 19 **apply to the following:**

- 20 (1) **A criminal proceeding.**
- 21 (2) **A proceeding for an infraction violation.**
- 22 (3) **A proceeding for an ordinance violation.**
- 23 (4) **A small claims action.**

24 **In each action filed in a court described in IC 33-37-1-1, the clerk**
 25 **shall collect a judicial salaries fee equal to the amount specified in**
 26 **the schedule in subsection (d).**

27 **(b) In each small claims action filed in a court described in**
 28 **IC 33-37-1-1 or IC 33-34, the clerk shall collect a judicial salaries**
 29 **fee specified in the schedule in subsection (e).**

30 **(c) In each action in which a person is:**

- 31 (1) **convicted of an offense;**
- 32 (2) **required to pay a pretrial diversion fee;**
- 33 (3) **found to have violated an infraction; or**
- 34 (4) **found to have violated an ordinance;**

35 **the clerk shall collect a judicial salaries fee specified in the schedule**
 36 **in subsection (d).**

37 **(d) Beginning:**

- 38 (1) **after June 30, 2005, and ending before July 1 of the first**
 39 **state fiscal year after June 30, 2006, in which salaries are**
 40 **increased under IC 33-38-5-8.1, the judicial salaries fee to**
 41 **which this subsection applies is fifteen dollars (\$15);**
- 42 (2) **after June 30 immediately preceding the first state fiscal**

year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is sixteen dollars (\$16);

(3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is seventeen dollars (\$17);

(4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eighteen dollars (\$18);

(5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is nineteen dollars (\$19); and

(6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twenty dollars (\$20).

(e) Beginning:

(1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is ten dollars (\$10);

(2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eleven dollars (\$11);

(3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1,

the judicial salaries fee to which this subsection applies is twelve dollars (\$12);

(4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is thirteen dollars (\$13);

(5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fourteen dollars (\$14); and

(6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15).

SECTION 11. IC 33-37-7-2, AS AMENDED BY P.L.85-2004, SECTION 25, AND AS AMENDED BY P.L.95-2004, SECTION 13, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- ~~(7) IC 33-37-5-17 (deferred prosecution fees).~~

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees

1 collected under IC 33-37-4-1(b)(7).

2 (4) One hundred percent (100%) of the domestic violence
3 prevention and treatment fees collected under IC 33-37-4-1(b)(8).

4 (5) One hundred percent (100%) of the highway work zone fees
5 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

6 (6) One hundred percent (100%) of the safe schools fee collected
7 under IC 33-37-5-18.

8 (7) One hundred percent (100%) of the automated record keeping
9 fee (IC 33-37-5-21).

10 (c) The clerk of a circuit court shall distribute monthly to the county
11 auditor the following:

12 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
13 interdiction, and correction fees collected under
14 IC 33-37-4-1(b)(5).

15 (2) Seventy-five percent (75%) of the alcohol and drug
16 countermeasures fees collected under IC 33-37-4-1(b)(6),
17 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

18 The county auditor shall deposit fees distributed by a clerk under this
19 subsection into the county drug free community fund established under
20 IC 5-2-11.

21 (d) The clerk of a circuit court shall distribute monthly to the county
22 auditor fifty percent (50%) of the child abuse prevention fees collected
23 under IC 33-37-4-1(b)(7). The county auditor shall deposit fees
24 distributed by a clerk under this subsection into the county child
25 advocacy fund established under IC 12-17-17.

26 (e) The clerk of a circuit court shall distribute monthly to the county
27 auditor one hundred percent (100%) of the late payment fees collected
28 under IC 33-37-5-22. The county auditor shall deposit fees distributed
29 by a clerk under this subsection as follows:

30 (1) If directed to do so by an ordinance adopted by the county
31 fiscal body, the county auditor shall deposit forty percent (40%)
32 of the fees in the clerk's record perpetuation fund established
33 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
34 county general fund.

35 (2) If the county fiscal body has not adopted an ordinance
36 described in subdivision (1), the county auditor shall deposit all
37 the fees in the county general fund.

38 (f) The clerk of the circuit court shall distribute semiannually to the
39 auditor of state for deposit in the sexual assault victims assistance fund
40 established by IC 16-19-13-6 one hundred percent (100%) of the sexual
41 assault victims assistance fees collected under IC 33-37-5-23.

42 (g) The clerk of a circuit court shall distribute monthly to the county

1 auditor the following:

2 (1) One hundred percent (100%) of the support and maintenance
3 fees for cases designated as non-Title IV-D child support cases in
4 the Indiana support enforcement tracking system (ISETS)
5 collected under IC 33-37-5-6.

6 (2) The percentage share of the support and maintenance fees for
7 cases designated as IV-D child support cases in ISETS collected
8 under IC 33-37-5-6 that is reimbursable to the county at the
9 federal financial participation rate.

10 The county clerk shall distribute monthly to the office of the secretary
11 of family and social services the percentage share of the support and
12 maintenance fees for cases designated as Title IV-D child support cases
13 in ISETS collected under IC 33-37-5-6 that is not reimbursable to the
14 county at the applicable federal financial participation rate.

15 (h) The clerk of a circuit court shall distribute monthly to the county
16 auditor one hundred percent (100%) of the small claims service fee
17 under IC 33-37-4-6(a)(2) for deposit in the county general fund.

18 *(i) The clerk of a circuit court shall semiannually distribute to the*
19 *auditor of state for deposit in the state general fund one hundred*
20 *percent (100%) of the ~~judicial~~ public defense administration fee*
21 *collected under IC 33-37-5-21.2.*

22 ~~*(j) The clerk of a circuit court shall semiannually distribute to the*~~
23 ~~*auditor of state for deposit in the judicial branch insurance adjustment*~~
24 ~~*account established by IC 33-38-5-8.2 state general fund one hundred*~~
25 ~~*percent (100%) of the judicial insurance adjustment administration fee*~~
26 ~~*collected under IC 33-37-5-25.*~~

27 ~~*(j) This section applies after June 30, 2005.*~~

28 **(k) The clerk of a circuit court shall semiannually distribute to**
29 **the auditor of state for deposit in the state general fund one**
30 **hundred percent (100%) of the fees collected under the following:**

31 **(1) IC 33-37-5-17 (deferred prosecution fees).**

32 **(2) IC 33-37-5-26 (judicial salaries fees).**

33 **(3) IC 34-28-5-1 (deferred traffic offense prosecution fees).**

34 SECTION 12. IC 33-37-7-8, AS AMENDED BY P.L.85-2004,
35 SECTION 27, AND AS AMENDED BY P.L.95-2004, SECTION 15,
36 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The clerk of a city or town
38 court shall distribute semiannually to the auditor of state as the state
39 share for deposit in the state general fund fifty-five percent (55%) of the
40 amount of fees collected under the following:

41 (1) IC 33-37-4-1(a) (criminal costs fees).

42 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

1 (3) IC 33-37-4-4(a) (civil costs fees).

2 (4) IC 33-37-4-6(a)(1) (small claims costs fees).

3 ~~(5) IC 33-37-5-17 (deferred prosecution fees).~~

4 (b) The city or town fiscal officer shall distribute monthly to the
5 county auditor as the county share twenty percent (20%) of the amount
6 of fees collected under the following:

7 (1) IC 33-37-4-1(a) (criminal costs fees).

8 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

9 (3) IC 33-37-4-4(a) (civil costs fees).

10 (4) IC 33-37-4-6(a)(1) (small claims costs fees).

11 ~~(5) IC 33-37-5-17 (deferred prosecution fees).~~

12 (c) The city or town fiscal officer shall retain twenty-five percent
13 (25%) as the city or town share of the fees collected under the
14 following:

15 (1) IC 33-37-4-1(a) (criminal costs fees).

16 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

17 (3) IC 33-37-4-4(a) (civil costs fees).

18 (4) IC 33-37-4-6(a)(1) (small claims costs fees).

19 ~~(5) IC 33-37-5-17 (deferred prosecution fees).~~

20 (d) The clerk of a city or town court shall distribute semiannually to
21 the auditor of state for deposit in the state user fee fund established in
22 IC 33-37-9 the following:

23 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
24 interdiction, and corrections fees collected under
25 IC 33-37-4-1(b)(5).

26 (2) Twenty-five percent (25%) of the alcohol and drug
27 countermeasures fees collected under IC 33-37-4-1(b)(6),
28 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

29 (3) One hundred percent (100%) of the highway work zone fees
30 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

31 (4) One hundred percent (100%) of the safe schools fee collected
32 under IC 33-37-5-18.

33 (5) One hundred percent (100%) of the automated record keeping
34 fee (IC 33-37-5-21).

35 (e) The clerk of a city or town court shall distribute monthly to the
36 county auditor the following:

37 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
38 interdiction, and corrections fees collected under
39 IC 33-37-4-1(b)(5).

40 (2) Seventy-five percent (75%) of the alcohol and drug
41 countermeasures fees collected under IC 33-37-4-1(b)(6),
42 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.

(g) *The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial public defense administration fee collected under IC 33-37-5-21.2.*

~~(g)~~ (h) *The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 state general fund one hundred percent (100%) of the judicial insurance adjustment administration fee collected under IC 33-37-5-25.*

~~(h)~~ This section applies after June 30, 2005.

(i) **The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26 as the city or town share.**

(j) **The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the fees collected under the following:**

(1) IC 33-37-5-17 (deferred prosecution fees).

(2) IC 34-28-5-1 (deferred traffic offense prosecution fees)."

Delete pages 9 through 14.

Page 15, delete lines 1 through 33.

Page 16, after line 4, begin a new paragraph and insert:

"SECTION 17. IC 34-28-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2005]: Sec. 1. (a) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing

1 the common boundary may bring the action.

2 (b) An action to enforce an ordinance shall be brought in the name
3 of the municipal corporation. The municipal corporation need not prove
4 that it or the ordinance is valid unless validity is controverted by
5 affidavit.

6 (c) Actions under this chapter (or IC 34-4-32 before its repeal):

7 (1) shall be conducted in accordance with the Indiana Rules of
8 Trial Procedure; and

9 (2) must be brought within two (2) years after the alleged conduct
10 or violation occurred.

11 (d) The plaintiff in an action under this chapter must prove the
12 commission of an infraction or ordinance violation by a preponderance
13 of the evidence.

14 (e) The complaint and summons described in IC 9-30-3-6 may be
15 used for any infraction or ordinance violation.

16 (f) The prosecuting attorney or the attorney for a municipal
17 corporation may establish a deferral program for deferring actions
18 brought under this section. Actions may be deferred under this section
19 if:

20 (1) the defendant in the action agrees to conditions of a deferral
21 program offered by the prosecuting attorney or the attorney for a
22 municipal corporation;

23 (2) the defendant in the action agrees to pay to the clerk of the
24 court an initial user's fee and monthly user's fee set by the
25 prosecuting attorney or the attorney for the municipal corporation
26 in accordance with IC 33-37-4-2(e);

27 (3) the terms of the agreement are recorded in an instrument
28 signed by the defendant and the prosecuting attorney or the
29 attorney for the municipal corporation;

30 (4) the defendant in the action agrees to pay ~~court costs a fee of~~
31 ~~twenty-five~~ **seventy** dollars ~~(\$25)~~ **(\$70)** to the clerk of court if the
32 action involves a moving traffic offense (as defined in
33 IC 9-13-2-110); and

34 (5) the agreement is filed in the court in which the action is
35 brought.

36 When a defendant complies with the terms of an agreement filed under
37 this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting
38 attorney or the attorney for the municipal corporation shall request the
39 court to dismiss the action. Upon receipt of a request to dismiss an
40 action under this subsection, the court shall dismiss the action. An
41 action dismissed under this subsection (or IC 34-4-32-1(f) before its
42 repeal) may not be refiled."

- 1 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1113 as printed March 25, 2005.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 0.

Senator Meeks, Chairperson